

STATE OF INDIANA) IN THE HOWARD CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF HOWARD) CAUSE NO. _____

STEPHANIE GRAY and NATHAN GRAY,

Plaintiffs,

v.

SPEEDWAY LLC,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COME NOW the Plaintiffs, Stephanie Gray and Nathan Gray, by counsel, and for their Complaint for Damages against Defendant Speedway LLC, respectfully allege and state as follows:

1. On or about September 12, 2019, Plaintiff Stephanie Gray was severely injured while visiting the Speedway store #8063, located at 1303 North Reed Road, Kokomo, Indiana 46901 (hereinafter, the "Convenience Store") when she suffered a fall on wet floor surface within the Convenience Store.

2. As set forth in more detail below, this incident and the resulting injuries and damages were the direct and proximate result of the negligence of the Defendant.

FACTUAL BACKGROUND

3. At all times relevant to this Complaint, Plaintiffs Stephanie Gray and Nathan Gray were residents of the Town of Bunker Hill, Miami County, State of Indiana and were legally married.

4. Defendant Speedway LLC is a foreign for-profit corporation incorporated under the laws of Delaware with registered agent for service designated at C T Corporation System, 334 North Senate Avenue, Indianapolis, Indiana 46204.

5. At all times relevant to this action, Defendant owned, operated, controlled, and/or maintained the Convenience Store.

6. At all times mentioned herein, the acts and/or omissions of the Defendant Speedway LLC were performed and/or omitted by and through its employees, servants, and/or representatives acting within the scope of their employment for the Defendant.

7. On or about September 12, 2019, at approximately 10:30 a.m., Plaintiff Stephanie Gray was a customer and business invitee upon the premises of the Convenience Store.

8. While walking through the Convenience Store's interior space near the fountain machine, Plaintiff Stephanie Gray suddenly and without notice or warning encountered an unreasonably unsafe wet floor condition, causing her to lose her footing and fall violently upon the floor surface below.

9. The floor where Plaintiff Stephanie Gray slipped and fell inside the Convenience Store was within the exclusive control, maintenance, and management of Defendant Speedway LLC.

10. As a direct result of the above-described circumstances and the fall she suffered, Plaintiff Stephanie Gray has sustained a number of severe and likely permanent injuries.

NEGLIGENCE

11. Plaintiffs incorporate by reference all allegations in this Complaint as if fully set forth below.

12. At the time of the incident described herein, Defendant Speedway LLC owed certain duties of care for the safety and protection of invitees of its Convenience Store.

13. Defendant Speedway LLC, through its employees and/or agents, was negligent in one or more of the following ways:

- a. Failing to maintain the premises of the Convenience Store in a reasonably fit and safe condition for the use of its invitees and patrons;
- b. Failing to reasonably inspect the Convenience Store premises in order to discover and correct any dangerous or defective conditions on the premises and structures thereupon;
- c. Failing to timely repair, remediate, correct, or take precautions with respect to a potentially dangerous condition of the Convenience Store premises within the Defendant's knowledge and control;
- d. Failing to disclose, notify, or warn Plaintiffs of hidden defects or dangers upon the Convenience Store premises, that the Defendant knew or should have known existed; and/or
- e. Otherwise failing to exercise reasonable care for the safety, health, and wellbeing of invitees and patrons of the Convenience Store.

14. As a direct and proximate result of the carelessness and negligence of the Defendant, Plaintiff Stephanie Gray sustained serious bodily injuries, some of which are likely permanent.

15. As a result of the aforementioned injuries, and in an effort to treat those injuries and lessen her physical pain and mental anguish, Plaintiff Stephanie Gray has been required to

engage the services of physicians and health care providers for medical evaluation and treatment, and in doing so, she has incurred medical expenses.

16. Plaintiff Stephanie Gray will likely require future medical care for the injuries she sustained as a result of the Defendant's negligence, for which she will incur additional medical expenses.

17. As a direct and proximate result of the negligence of Defendant Speedway LLC, Plaintiff Stephanie Gray was forced to miss time and opportunities at her job, resulting in a loss of income and earnings, which may continue in the future.

18. As a direct and proximate result of the negligence of Defendant Speedway LLC, Plaintiff Stephanie Gray has experienced, and will continue to experience, significant pain and suffering, mental anguish, reduced mobility, and a diminishment in her quality and enjoyment of life.

19. As a direct and proximate result of the negligence of Defendant Speedway LLC, Plaintiff Nathan Gray has suffered the loss of his wife's consortium, services, and affection.

20. As a direct and proximate result of the negligence of Defendant Speedway LLC, Plaintiffs Stephanie Gray and Nathan Gray have been damaged.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Stephanie Gray and Nathan Gray pray for judgment against the Defendant, Speedway LLC, in an amount commensurate with their respective injuries and damages, for costs of this action, prejudgment interest as allowed by law, and for all other relief just and proper in these premises.

DEMAND FOR JURY TRIAL

The Plaintiffs respectfully demand a jury trial on all of their claims.

Respectfully submitted,

/s/ Lance R. Ladendorf

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